



CRL OP (MD) No.8070 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.8070 of 2025

1. Pethanan

2. Jeyasuriya

3. Ranjithkumar

... Petitioners/ A3, A4 & A7

Vs.

The State of Tamil Nadu
Rep. by The Inspector of Police,
Sedapatti Police Station,
Madurai District.
Crime No.44 of 2025

... Respondent/ Complainant

For Petitioners : Mr.C.Susikumar,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023



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PRAYER:-

For Bail in Crime No.44 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 28.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant an order of bail.

2. The petitioners/Accused Nos.3, 4 and 7 were arrested and remanded to judicial custody on 04.04.2025 for the offences punishable under Sections 191(2), 191(3), 296(b), 115(1), 118(1), and 109(1) of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 7 and 27(1) of Arms Act, 1959, in Crime No.44 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 03.04.2025, at about 10.30 p.m., while the defacto complainant along with his relatives were standing near Deivam Tea Stall at Sedapatti Village, the petitioners along with other accused persons brutally assaulted the defacto complainant and his relatives and caused injuries to them. Hence, the case.

4. Mr.C.Susi Kumar, learned counsel appearing for the petitioners, submits that the petitioners have not committed any offence as alleged by the prosecution and that a false case has been foisted against them. He further submits that, in fact,



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the defacto complainant and his relatives brutally assaulted the petitioners, due to which they sustained injuries and, therefore, lodged a counter case in Crime No. 45 of 2025. He further submits that the petitioners have been in judicial custody since 04.04.2025 and are ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the defacto complainant sustained injuries and was admitted in the hospital on 03.04.2025 and discharged on 09.04.2025. He further submits that, apart from the defacto complainant, two others, i.e., the relatives of the de facto complainant, also sustained injuries. He further submits that there is no previous case pending against the first petitioner, one previous case is pending against the second petitioner, and two previous cases are pending against the third petitioner. He further submits that the investigation is pending, and therefore, at this stage, if the petitioners are enlarged on bail, they may abscond, thereby causing delay in the investigation proceedings and may also cause threat to the defacto complainant, victims, and witnesses. Accordingly, he vehemently opposes to grant bail to the petitioners.

6. Heard on both sides and perused the records.



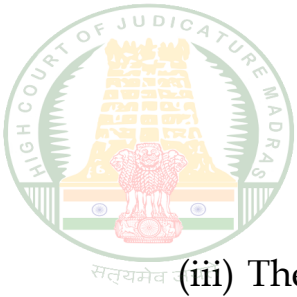
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7. The petitioners were arrested and have been in judicial custody since 04.04.2025. In view of the offences allegedly committed by the petitioners and the fact that a counter case in Crime No.45 of 2025 has also been registered against the defacto complainant and his relatives, and taking note of the fact that the defacto complainant was discharged from the hospital, this Court is of the opinion that further custody of the petitioners is not necessary for the investigating agency in this case. Further, the petitioners have permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the above, and also considering the period of incarceration, and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Peraiyur;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Peraiyur, shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Peraiyur;

(iv) The petitioners shall stay at Thiruchengode and shall appear and sign before the Inspector of Police, Tiruchencode Rural Police Station, Tiruchencode, daily at 09.00 a.m., and 05.00 p.m., until further orders;

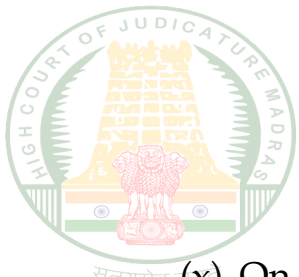
(v) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(vii) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioners shall not cause any threat to the defacto complainant, other victims and witnesses and shall also not try to contact the defacto complainant and other victims either directly or through any electronic mode;

(ix) The petitioners shall not enter into the house of the defacto complainant and his workplace; and



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(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Peraiyur, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
30/04/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
To

1. The Judicial Magistrate,
Peraiyur.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Tiruchencode Rural Police Station,
Tiruchencode.
4. The Superintendent,
Central Prison, Madurai.



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5. The Officer-in-Charge,
Sub Jail, Usilampatti.

6. The Inspector of Police,
Sedapatti Police Station,
Madurai District.

7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

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Date :30/04/2025

MK/SAR /02.05.2025 7P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023